

Tentative Rulings
May 21, 2018
Department 12

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. PLEASE NOTE: Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

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GDN OF VERA CARR AND BERNARD CARR, JR.
CASE NUMBER: 29579

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Vera Carr and Bernard Carr, Jr. The Petition was filed by the minors' aunt and uncle (Cynthia and Daniel DePoister). Letters of Temporary Guardianship issued on April 9, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proof of service of the Notice of Hearing on file for the minors' parents, paternal grandparents, and maternal grandparents. The parents must be personally served. Probate Code § 1511(b). All other parties entitled to notice can be served by mail. Probate Code § 1511(a). The Court has reviewed the Court Investigator's report, which recommends granting the Petition.

This matter is continued to **Monday, June 25, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

**GDN OF JORDAN GREEN
CASE NUMBER: 29561**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Jordan Green. There are two competing Petitions on file. The first Petition was filed by the minor's maternal grandmother (Virginia Mike-Mercado). The second Petition was filed by the minor's maternal aunt (Melissa Lopez). Letters of Temporary Guardianship were first issued to Virginia Mike-Mercado on March 21, 2018. That order was subsequently vacated and Letters of Temporary Guardianship were issued on April 17, 2018 to Ms. Lopez. The Temporary Guardianship's powers are set to expire today unless further extended.

Both Petitions have been properly served on all parties except for the minor's parents. The parents must be personally served. Probate Code § 1511(b). The Court notes that a Consent to Appointment and Waiver to Notice of Ms. Mike-Mercado's Petition has allegedly been filed by the minor's father, but the Court Investigator reports some reservations as to whether or not the Waiver was actually executed by the minor's father. The father has otherwise not been properly served in this matter.

The Pit River Tribe has officially intervened in this case pursuant to its rights under the Indian Child Welfare Act of 1978, 25 U.S.C. section 1901 et seq. The Court Investigator has deferred to the Pit River Tribe and ICWA Coordinator for further investigation and recommendations regarding the Guardianship. There is no indication at this time as to whether the Tribe intends to request a transfer of these proceedings.

An appearance is necessary on today's calendar (a) to discuss whether the intervening Tribe intends to request a transfer of these proceedings to tribal court; and (b) to set a further date to permit for service on the minor's parents, and to permit for a completion of investigation and recommendations by the Pit River Tribe. The issue of execution surrounding the father's Consent to Appointment and Waiver to Notice will also be discussed.

**GDN OF PATIENCE HAWKINS
CASE NUMBER: 28577**

Tentative Ruling on Confirmation of Counsel and Petition for Termination of Guardianship: This matter is on calendar for further proceedings regarding (1) Confirmation of Counsel; and (2) hearing on a Petition for Termination of Guardianship filed by the minor's mother, Yvonne Hawkins. The Court notes that there is still no proper proof of service of the Notice of Hearing on file. The Court has reviewed the Court Investigator's report filed April 10, 2018, which recommends denying the Petition. An Objection to the Petition has been filed by the current Guardian. **An appearance is necessary on today's calendar to confirm counsel for the minor, and to discuss service efforts on the Petition.**

**GDN OF AUBRELLE JAMES
CASE NUMBER: 29597**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Aubrelle James. The Petition was filed by the minor's maternal grandparents (Ranee and Brian Durflinger). Letters of Temporary Guardianship have not been requested.

The matter has been properly noticed, with proof of service established on all parties except the minor's mother and paternal grandfather. However, a Consent to Appointment of Guardian and Waiver of Notice has been signed by the minor's mother. The minor's paternal grandfather is unknown. The Court dispenses with the need to provide the minor's paternal grandfather with notice, as notice on the minor's paternal grandfather cannot with reasonable diligence be given. Prob. Code § 1511(g). No objections have been raised.

The Court has reviewed and considered the Court Investigator's report filed May 10, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable.

The Court **GRANTS** the Petition. Visitation shall be at the Guardian's discretion. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, May 20, 2019, at 1:30 p.m. in Department 12.** No appearance is necessary on today's calendar.

**GDN OF DONIVYN KEYS, LELAND KEYS, AND RAQUEL KEYS
CASE NUMBER: 29596**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, Donivyn Keys, Leland Keys, and Raquel Keys. The Petition was filed by the minors' maternal grandmother (Elizabeth Emelio). Letters of Temporary Guardianship issued on April 18, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proof of service of the Notice of Hearing on file for the minors' father and paternal grandfather. The father must be personally served. Probate Code § 1511(b). All other parties entitled to notice can be served by mail. Probate Code § 1511(a). The Court is in receipt of the Court Investigator's report which recommends that the petition for guardianship be denied. No objection has been filed by the mother, but the report indicates that she objects to the guardianship.

This matter is continued to **Monday, June 25, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to these parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

**GDN OF SYLAS PARSONS
CASE NUMBER: 29120**

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was received by the Court on May 8, 2018. **An appearance is necessary on today's calendar to address certain matters raised in the Confidential Guardianship Status Report.**

**GDN OF SCOTT PRICE
CASE NUMBER: 28965**

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court in advance of today's hearing. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit her Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

**GDN OF RILEY RENO
CASE NUMBER: 28901**

Tentative Ruling on Petition for Visitation: This matter is on calendar for further proceedings on a Petition for Visitation filed by the minor's mother, Jessica Surrige. **An appearance is necessary on today's calendar to provide the Court with a status update regarding visitation.**

**GDN OF CAROL RODRIGUEZ AND ALVIN RODRIGUEZ
CASE NUMBER: 29514**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person of minors, Carol Rodriguez and Alvin Rodriguez. This matter is an ICWA case. The Pit River Tribe has intervened into the case, and has informed the Court that the Tribe is in agreement of the guardianship request, finds it to be in the best interest of the minor children, and that the Tribe is not otherwise seeking jurisdiction. The matter was continued to today's date to permit for proper service on the paternal grandmother. No new documents have been filed with the Court since the previous hearing date. **An appearance is necessary on today's calendar to discuss service efforts on the paternal grandmother.**

**GDN OF ROSE SHASTEEN
CASE NUMBER: 29552**

Tentative Ruling on Petition for Appointment of Guardian of the Person: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minor, Rose Shasteen. The Petition was filed by the minor's maternal grandmother and maternal aunt (Ethel McKay and Amanda Sinyard). Letters of Temporary Guardianship issued on March 19, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The matter has been properly noticed, with proof of service of the Notice of Hearing on file. No objections have been raised. A Consent to Appointment and Waiver of Notice has been signed by each of the minor's parents.

The Court has reviewed and considered the Court Investigator's report filed April 6, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** it would be detrimental for the child to be with either parent or any parent objecting to the guardianship, the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardians are suitable.

The Court **GRANTS** the Petition. Visitation shall be at the discretion of the Guardians. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. Annual Review is set for **Monday, April 22, 2019, at 1:30 p.m. in Department 12.** **No appearance is necessary on today's calendar.**